

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 21, 2007**

**DIVISION ONE**

B193816	People	(Not for Publication)
B194153	v. .	
	Cristian S.	
	Levy R.	

The findings under Penal Code section 186.22 that Cristian S. and Levy R. committed assault for the benefit of a criminal street gang are reversed and the matters are remanded to the juvenile court with directions to dismiss these findings and, accordingly, to recalculate the minors' maximum periods of confinement. On remand the juvenile court is further ordered to determine whether the assault committed by Cristian S. was a felony or a misdemeanor and to modify Levy R.'s condition of probation No. 16 to include the requirement that the minor have knowledge that other persons in his presence possess a deadly or dangerous weapon. In all other respects, the orders under review are affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Rothschild, J.

## December 21, 2007 (Continued)

## DIVISION ONE (continued)

[illegible]

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Jackson, J. (Assigned)

B188514 People v. Topete (Not for Publication)

The judgment is reversed with respect to the sentence imposed for continuous sexual abuse of a child and the matter is remanded for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Rothschild, J.  
Jackson, J. (Assigned)

DIVISION ONE (continued)

B191052      Anahid Mnaskanian                      (Not for Publication)  
                 v.  
                 21st Century Insurance

The judgment is reversed insofar as it awards Mnaskanian \$150,000 past noneconomic damages, \$150,000 for future noneconomic damages, \$250,000 for punitive damages, and \$766,395 for her attorney's fees, and the cause is remanded to the trial court with directions to enter a new judgment awarding Mnaskanian a total of \$179,520 in damages (\$66,640 for past economic loss plus \$112,880 for future economic loss), plus reasonable attorney's fees in an amount to be determined by the trial court. In all other respects, the judgment is affirmed. The parties shall pay their own costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur:    Rothschild, J.  
                 Jackson, J. (Assigned)

DIVISION THREE

B194445      People    (Not for Publication)  
                 v.  
                 D.P.

The order continuing wardship is affirmed.

Kitching, J.

We concur:    Klein, P.J.  
                 Croskey, J.

DIVISION THREE (continued)

B195646      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Phillip O.

The orders are affirmed.

Aldrich, J.

We concur:   Klein, P.J.  
                  Croskey, J.

B189275      Lindstrom, et al.  
v.  
Hunt Enterprises, Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B197414      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
C.Y.  
B.Y.

The order terminating parental rights and the order denying C.Y.'s section 388 petition are reversed. All other orders are affirmed. The case is remanded for further proceedings in accordance with the views set forth in this opinion.

Manella, J.

We concur:   Willhite, Acting P.J.  
                  Suzukawa, J.

DIVISION FIVE

B193913      Art Galvez                                  (Not for Publication)  
v.  
Timothy Yoo

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The judgment is reversed insofar as it awarded specific performance and compensation incidental thereto. The judgment for \$308,866.72 in contract breach damages is affirmed. Timothy Yoo, as trustee for the bankruptcy estate of defendants Rex Bennett and Janice Bennett, is to recover his costs on appeal from plaintiffs, Art Galvez and Abel Galvez.

Turner, P.J.

We concur:    Armstrong, J.  
                         Mosk, J.

B194515      AV Light Foundation et al      (Not for Publication)  
v.  
San Juan Garibay et al

The judgment is affirmed. Respondent(s) to recover costs.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

December 21, 2007 (Continued)

## DIVISION FIVE (continued)

B192064 People (Not for Publication)

V.

Andrew Arrue

The judgment is affirmed as modified to impose the court security fees as noted.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B195750 SEST Consulting, Inc. (Not for Publication)

V.

Wachovia Bank et al

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B201646 People (Not for Publication)

V.

Jose Hernandez

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.

Armstrong, J.

## DIVISION FIVE (continued)

B194159 People (Not for Publication)

V.

Jessie Rodriguez

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B190670 People (Not for Publication)

V.

Alex Fuentes

The judgment is affirmed. The \$10,000 fine orally imposed by the trial court pursuant to section 667.6, subdivision (a) is stricken. Because the fine is not included in the abstract of judgment, an amended abstract of judgment needs not be prepared.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B199827      Los Angeles County, D.C.S.      (Not for Publication)

V.

Trenia A. et al

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

December 21, 2007 (Continued)

## DIVISION FIVE (continued)

B196373      Jose Gonzalez  
v.  
Western Roofing Company

Filed order vacating submission order of September 5, 2007. Associate Justice Armstrong's wife has been hospitalized and this has prevented preparation of an opinion. Cause resubmitted.

DIVISION SIX

B188201      Mathis  
                     v.  
                     Treise

Filed order denying petition for rehearing.

B175953      Goldgrafer  
v.  
UNOCAL

Cause submitted.

## DIVISION EIGHT

B194835      People      (Certified for Publication)  
v.  
Lonell Abrams

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.



DIVISION EIGHT (continued)

B187273     Juanita Richeson et al.,  
                 v.  
                 Haque Helal et al.,

Filed order certifying opinion for publication and modifying opinion. (No change in the judgment)

B187273     Juanita Richeson et al.,  
                 v.  
                 Haque Helal et al.,

Filed order denying petition for rehearing.

B182898     Jhaveri  
                 v.  
                 Dubois et al.,

Filed order denying petition for rehearing.

B189056     People  
                 v.  
                 Melvin Jones

Filed order modifying opinion. (No change in the judgment)

B185940     People  
                 v.  
                 Antonio Barba

Filed order modifying opinion. (No change in the judgment)